

BAFFLED DEATH AUTOMOBILE OWNER ASKS PISTOL

Fearing Poultry Trust
Hirelings' Wrath, He
Appeals to Police.

BELIEVES GUNMEN
MAY SEEK HIM OUT

Repeats Story to Magistrate
Voorhees and Tells
of Four Attacks.

Escorted to Office
OF PROSECUTOR

Murder Car Tampered with in
Garage, He Said—Dead
Man Held Mortgage.

In fear of his life, Alexander Pearlman, owner of the automobile used by the slayers of Barnett Raff, appeared yesterday before a police magistrate in Brooklyn and asked permission to carry a revolver to defend himself against the murderous hirelings of the poultry trust.

While weak denials came yesterday from men involved in Pearlman's story of the borrowed automobile, Pearlman himself gave to a reporter for The Tribune facts that strengthen his story and draw the net even more tightly about the heads of the trust.

Moved to action by The Tribune's story, the police, it is understood, called for Pearlman at his home yesterday afternoon and whisked him in an automobile to this borough, where he conferred with an Assistant District Attorney. They also, it is believed, took him to the garage at 476 Thirteenth v. in which the murder car stands, and had him repeat the story that he told on Sunday to a Tribune reporter.

Repeats Story of Attacks.

Pearlman, when he walked into the New Jersey av. police court yesterday, was white and trembling. He repeated to Magistrate Alfred Voorhees the story of the four attacks upon him by poultry trust employees, and produced a piece of lead pipe with which, he said, he had been knocked senseless while driving his wagon through Delancey st.

As a result of the publication of his name in The Tribune, he said, he feared an attempt to murder him. He felt certain, he added, that he had been followed by two men ever since he left his house in the morning.

Paul Dombek, a real estate man, of 2 Belmont av., and Isidore Green, a lawyer, of 6 Court st., vouched for Pearlman's character when he asked permission to carry a gun.

Magistrate Voorhees said that the matter would be taken under consideration and asked Pearlman to return to-day with letters certifying his good character.

Baff Mortgage on Garage.

A touch of irony was added yesterday to the use of Pearlman's automobile as the murder car in the discovery that Barnett Raff lent Pearlman money to start him in business at the Thirteenth av. address, and that when he was killed he had a mortgage upon the garage in which the murder car was stored. Raff also had a mortgage on the main building.

Pearlman repeated yesterday his story of having been forced by violence to join the trust, and added facts that prove even more strongly that his car was taken out of his garage while he was ill.

"PRINT IT," SAYS CANNON

"Uncle Joe's" Reply to Charges of Fraud in His Election.

(By Telegraph to The Tribune.)
Danville, Ill., Dec. 28.—"If the American press has any information regarding frauds in my election, let them print it," declared "Uncle Joe" Cannon to-night when asked for an answer to the charge, made in Indianapolis, that "doctors" had been used in his election. Further than this the veteran Congressman would make no comment.

It became known to-night that United States District Attorney Charles Karch is communicating with District Attorney Frank C. Dailley, of Indianapolis, to determine whether revelations made before the federal grand jury, which indicted Mayor Donn Roberts of Terre Haute and other officials on charges of conspiring to corrupt elections, would warrant a federal grand jury investigation of charges that election frauds were perpetrated in the 18th Illinois District.

Charges have been made to Mr. Karch that repeats came from Indiana to vote in this section of Illinois.

WOMAN BURNS TO DEATH

Invalid, Alone, Unable to Save
Self When Candle Upsets.

Mrs. Eliza Worm, seventy years old and partially paralyzed, was burned to death in her chair last night when a candle tipped over and ignited the German newspaper she was reading in her home, 1832 Belmont av., The Bronx. She was alone at the time. Her husband, Nelson Worm, an ironworker, said later that her death was due to the failure of the gas company to pay any attention to two complaints he had made regarding the supply in his house.

Her cries attracted the attention of her daughter, Mrs. Eliza Rosberg, who lives upstairs in the two-story cottage, but she was unable to save her mother.

WRECK AFIRE; FLAG
SAVES EXPRESS

Crowded Fast Train on N.
H. Halts 100 Feet from
Burning Cars.

(By Telegraph to The Tribune.)
Stamford, Conn., Dec. 28.—Raymond Simmons, of 436 East 138th st., New York, flagman on an eastbound freight train of the New Haven Railroad, prevented a bad wreck and a heavy loss of life here this afternoon by flagging the Boston express, which left New York at 1:03 o'clock, and bringing it to a standstill within two car lengths of the wreck of the freight train of which he was a crew member.

The air hose on Simmons' train broke in Selkirk's cut, west of Stamford. Sections of the train crashed together and "broke" in two or three places. Two sections were derailed and a gondola car at the end of the freight was flung off track No. 2 upon track No. 4, over which the Boston express was approaching at forty miles an hour.

Simmons and Charles Fox, of New York, conductor, were in the caboose of the wrecked freight. There were five passengers in the train and way up in front a 60,000-gallon gasoline tank had been broken open and caught fire. The stream of burning gasoline had swept toward the express, and it was ahead of it, all of which were loaded. Fox ran toward the burning tank car, while Simmons grabbed a red flag. In the distance he could see the fast express train approaching. Jerry Murphy, engineer on the express, caught sight of the flag in time to stop his train less than two car lengths away from the broken gondola car that had derailed.

"I knew the express train was right behind us," said Simmons, "and I knew there would be a fearful wreck if it ever got into the main approach. I thought was to run back and flag it, even though it was not on our own track."

Meantime the gasoline tank was on fire and sixteen other cars laden principally with raw cotton baled for Hartford, Me., were burning. The Stamford Fire Department was called and fought the blaze for an hour before it was finally controlled. Traffic was delayed for several hours.

It is assumed that friction, following the derailment, set fire to the gasoline, which flowed out through a hole punched in the tank car by the way he thought it. The railroad people, however, claim that a match lit by a boy who stood watching the wrecked cars, caused the fire. The police, however, failed to find any trace of the boy.

LEO ROOSEVELT PLANS TO STUMP FOR UNEMPLOYED

Will Give Receipts of
Lectures to Find Work
for Jobless.

GETS DATA AT CITY
LODGING HOUSE

Has Pea Soup with Un-
fortunate and Stays
1 Hour 20 Minutes.

Theodore Roosevelt is going to stump the country for the unemployed. Aroused by the widespread distress brought on by the hard times, the former President plans to lecture in the leading cities of the United States, the proceeds of each lecture to be given to the city in which he speaks and used to find employment for the jobless.

To gather data for the lectures, which are to be on the subject of unemployment, Mr. Roosevelt last evening took officials of the Municipal Lodging House by surprise by calling at the lodging house and asking to be shown the manner in which New York cares for her unemployed.

After being shown through the building, Mr. Roosevelt declared that it was the best municipal lodging house he had ever visited, but said he did not favor the extension of the temporary relief plan as a way out of the unemployment question.

At Pea Soup.

One of the incidents of the Colonel's inspection of the building was that the former President, in company with 125 derelicts, men and women, stood in the dining room and ate pea soup. Furthermore, he seemed to enjoy it.

Mr. Roosevelt drove up to the lodging house, which is at 421 East 25th st., at 6 o'clock. He was accompanied by Miss Frances Kellar, executive secretary of the National Progressive Service, and Philip Roosevelt, his nephew.

He went at once into the office, where sat William Albert Whitting, the superintendent. Whitting recognized his visitor immediately, but the ex-President proceeded, in his customary energetic manner, to introduce himself. He then said that he would like to be shown through the building, in order to acquaint himself with New York's methods of caring for the poor and those out of work.

The first place visited was the waiting room, in which were more than 200 men awaiting their turn to register at the night. Mr. Roosevelt singled out half a dozen of these and spoke to them, inquiring how they liked it at the lodging house. He also sounded each of the half dozen regarding their chances of obtaining employment in the near future.

Would End Lodging Houses.

Throughout his inspection of the building the former President, although interested in all that he saw, seemed to be concerned mainly with the possibility of wiping out lodging houses entirely by putting the unemployed to work.

In the dining room 125 men and women were seated at supper. When Colonel Roosevelt and his party entered he was recognized immediately, and every one in the room stood and remained standing until the ex-President left the room. After greeting the diners Mr. Roosevelt stepped to the small window that communicates with the kitchen and held a conversation with the chef. In a few minutes a bowl of pea soup, a cup of coffee and two thick slices of bread were passed through the opening.

The visitor examined the bread, which was baked by the convicts on Blackwell's Island, and then surprised all in the room by requesting a spoon. Still standing at the small window, he proceeded to eat the soup.

"Tough for Next President."

While he was eating, a red-haired man seated above the buzz of comment: "Gee! But that's tough stuff for the next President of the United States to be eating!"

GOOD WISHES FOR WILSON

Birthday Anniversary Greet-
ings Flood the President.

(From The Tribune Bureau.)
Washington, Dec. 28.—President Wilson celebrated his fifty-eighth birthday anniversary to-day, but no formalities except a call of congratulation from his Cabinet and the receipt of many messages of felicitation from friends in America and abroad marked the day as different from other days.

King George of Great Britain was the only potentate of the nations at war that took time off from fighting to address a cable message of congratulation. The King's dispatch was received early in the day, and was of the most formal character.

The President took a day of rest from visitors, seeing only Representative Underwood of Alabama, who discussed a river improvement project in his Congress district.

Among the messages received were several from the parents of children named after the President because their birthdays were the same as his. Mr. Wilson usually answers such messages personally.

CHURCHES END TRIAL MERGER

Committee Urges Break-
ing Union of Calvary
and Fifth Av. Bodies.

The Calvary and Fifth Avenue Baptist churches, after a nine months' trial union, have decided, in a kindly spirit, to divorce their congregations and worship separately in future. At least that is the recommendation made yesterday in the report of the special committee, and it is expected to be carried out by a vote of the congregations.

The report is signed by David C. Link, chairman of the Calvary committee, and Edward L. Ballard, chairman of the Fifth Avenue committee. It states that it has been found desirable for the two churches to separate and resume their individual services and activities, but that they do so with kindest feeling, each for the other.

The special committee of reference and conference announced their decision in the following resolution: "Resolved, that we advise the boards of officers of the respective churches of this conclusion, and that we recommend the resumption of our individual church services as soon as arrangements can be made which will conserve the best interests of the two bodies which we represent."

"In offering this resolution and recommendation we desire to give formal expression to our personal regard for one another and our appreciation of the association which have permitted our temporary co-operation and prompted our mutual friendship."

"In separating we do so in a fraternal spirit, sincerely wishing one another all success and trusting that nothing will ever mar the cordial relations existing among us."

Calvary Church has been without a pastor for nearly four years—ever since Rev. Robert S. MacArthur retired. Officers of the Calvary Church declined to discuss the future of their church yesterday. It is known, however, that they have practically searched the country for a man to take Dr. MacArthur's place without finding a suitable candidate.

The Fifth Avenue Church, at 4 West 46th st., sometimes known as the Rockefeller church because of the attendance of John D. Rockefeller and his son, John D., Jr., who is a trustee, has been closed since the two congregations merged in the Calvary Church nine months ago.

The incident of the Rev. Bouck White at the Calvary Church caused a good deal of anxiety and alarm among the members of the Fifth Avenue Church. In some circles in the church the fear of further and more serious disturbances, with possible bomb throwing, took root. It is not understood, however, that this circumstance had anything to do with the committee's decision.

The Rev. Charles F. Aked, of San Francisco, was pastor of the Fifth Avenue Church for two years. He has since been called to the Congregational meeting, but an announcement will be made next Sunday by Dr. Wolfkin asking the members to vote on the question at an early date.

LEO M. FRANK WINS APPEAL TO HIGHEST COURT

Justice Lamar Grants Plea
of Convicted Slayer of
Mary Phagan.

POINTS RAISED
NEVER DECIDED

Execution Stayed Until
Novel Issues Presented
Are Settled.

(From The Tribune Bureau.)
Washington, Dec. 28.—The last chapter in the struggle of Leo M. Frank, of Atlanta, to stay the penalty of conviction for the murder of Mary Phagan, a factory girl, is yet to be written. Associate Justice Lamar, of the United States Supreme Court, granted a writ of error to-day directing that the record of the proceedings by which Frank was convicted be sent to the Supreme Court for review. The action of Justice Lamar was taken after two of his colleagues had passed adversely on the plea made in Frank's behalf.

The issuance of the writ automatically stays the execution of Frank, which was to have taken place on January 22, and takes his case out of the hands of the inferior courts. Nothing will be done in the way of meeting out the penalty for the crime of which he was convicted until the Supreme Court has passed on his case.

Justice Lamar held in his opinion that the rendering of the verdict when Frank was absent from the courtroom involved a constitutional question, and that it was proper for the Supreme Court to pass on the propriety of the proceedings, in view of the fact that the question had never been decided by the federal courts. His action does not, however, bind the court to consider the merits of the case. It may conclude that the question of the regularity of the proceedings is not for it to decide. The appeal may be dismissed by the court for want of jurisdiction, in which event Frank will find no change in his plight.

Prompt Hearing Expected.

It is not probable that any time will be lost in taking up the case. It is expected that the authorities of the State of Georgia will submit a petition asking that it be advanced for hearing when the court convenes, after the holidays. It is the practice of the court to hear cases involving capital punishment as promptly as possible.

In the present proceeding Frank's attorneys argued to the federal court in Georgia that the state courts in which Frank had been convicted of murder had lost jurisdiction over their client, because he had not had a fair trial and had been convicted in an atmosphere of violence. They asked the Georgia federal court to release Frank on a habeas corpus writ. Justice Newman refused, and declined to grant an appeal to the Supreme Court. Justice Lamar's decision to-day permits them to bring their case up for hearing in Washington.

Justice Newman said the application for the appeal presented an entirely different situation from the application for a writ of error, which he had declined to grant some time ago. The United States has never determined, said Justice Lamar, "whether on a trial for murder in a state court the due process clause of the federal Constitution guarantees a defendant a right to be present when the verdict is rendered."

Points Never Decided.

"Neither has it decided the effect of a final judgment refusing a new trial in a case where the defendant did not make the fact of his absence when the verdict was returned a ground of the appeal, nor claim that the rendition of the verdict in his absence was the denial of a right guaranteed by the federal Constitution."

Nor, it passed upon the effect of its own refusal to grant a writ of error in a case where an alleged jurisdiction question was presented in a motion filed at a time not authorized by the practice of the state where the trial took place.

"Such questions are all involved in the present case, and since they have never been settled by any authoritative ruling by the full court, it is probable cause as to warrant the refusal of an appeal."

FRANK'S FAMILY REJOICE

"Knew Right and Truth Must Prevail," Says Sister.

U. S. SENDS SHARP NOTE TO BRITAIN

Formally Warns London Government That This Country
Can No Longer Tolerate Unwarranted Interference
with American Commerce on the High Seas.

Washington, Dec. 28.—The United States government dispatched a long note to Great Britain to-day, insisting upon an early improvement in the treatment of American commerce by the British fleet. It gave warning that much feeling had been aroused in this country, and that public criticism was general over unwarranted interference with the legitimate foreign trade of the United States.

The document, constituting the strongest representation on this subject made by the United States to any of the belligerents since the outbreak of the war, was cabled to Ambassador Page to be formally presented to Sir Edward Grey, British Foreign Secretary. Its preparation was begun a month ago by Solicitor General Johnson, Counselor Robert Lansing and Secretary Bryan, and finally during the last two weeks had the personal attention of President Wilson, who revised its phraseology with minute care.

As the detailed point of view of the United States in numerous specific cases of detentions and seizures of cargoes had been set forth in a series of emphatic protests, most of which have gone unheeded, to-day's communication was couched in general terms, covering the entire subject of the relations between the United States and Great Britain as affected by the latter's naval policy, considered highly objectionable to this government.

In Frank Terms.

The note declares at the outset that the representations are made in a friendly spirit, but that the United States considers it best to speak in terms of frankness, lest silence be construed as acquiescence in a policy on the part of Great Britain which infringes the rights of American citizens under the laws of nations.

Since France has adopted practically the same decrees on contraband as has Great Britain, to-day's note is virtually a statement intended for all the members of the Triple Entente.

The document points out that complaints on every side and public criticism in the United States hold the British policy as directly responsible for the depression in many American industries—a situation the seriousness of which must be apparent to Great Britain. Reimbursement alone for cargoes unlawfully detained or seized, it states, does not remedy the evil, as the chief difficulty is in the moral effect of British practice on American exporters, who are restrained by it from taking risks or hazards which in no case ought to surround legitimate trade between the United States and other neutral countries.

Feeling has been aroused on the subject to such an extent, the communication adds, that the American government feels compelled to ask for definite information as to Great Britain's attitude in order that it may take such measures as will protect American citizens in their rights.

No Improvement Noted.

The United States, the note points out, was patient at first, realizing that the unexpected outbreak of hostilities had cleared a mass of burdens on the British government, and thinking an early clearing of the air would come. Five months have now elapsed, the note asserts, with no improvement in the situation. In the mean time American ships have availed themselves of various suggestions from the British government, such as shipping cargoes to definitely named consignees in neutral countries and the taking out of certificates from consuls in this country, which followed promises of the British Foreign Office that the allied fleets consequently would cease detentions of these cargoes. The situation, continued on page 2, column 2.

CANADIAN GUARDS KILL AMERICAN WANTED IN BELGIUM

Companion in Duck Hunt-
ing Wounded—State
Department Stirred.

(From The Tribune Bureau.)
Washington, Dec. 28.—James B. Curtis, the American Vice-Consul at Port Erie, Ontario, informed the State Department to-night that two Americans, Walter Smith and Charles Dorsch, both of Buffalo, were shot by the Canadian border patrol near that point to-day while duck hunting. Smith was killed. Dorsch will recover.

Secretary Bryan at once drafted a note to the British Embassy informing them of the incident as transmitted by Mr. Curtis, and asking for an account of the circumstances under which the two men were shot.

Officials at the State Department pointed out that if the men were shot while defying Canadian authority there would be no ground for representations by the American government. Representative Charles B. Smith, of Buffalo, late to-day laid newspaper accounts of the shooting before Secretary Bryan.

The British Embassy to-night was without information regarding the episode further than that conveyed to them by press representatives here. It was said at the embassy that the expected note from the Secretary of State would have as prompt a reply as the circumstances permitted.

RUSSIANS CUT AUSTRIA LINE; CRACOW FREE

Czar's Forces Retreat 50
Miles from South of
Galician Capital.

PREVENT JUNCTION
OF TWO ARMIES

Siege Completely Relieved
as Grand Duke Strikes
Two Crushing Blows.

DASH ON WARSAW
CALLED FAILURE

Petrograd Reports Check of
German Attempt—Berlin Says
Situation Is Promising.

Petrograd, Dec. 28.—Russian forces, according to advices received to-day from Galicia, have succeeded in crossing the Biala River and in taking possession of a twenty-mile strip of territory south of Tuchow, thereby separating two great Austrian armies.

The forces of General Boehm-Ermolli, the Austrian commander, which had been marching northward from the Carpathian region, are claimed by the Russians to be retreating precipitately and the western Austrian army is said to be badly crippled.

However, as a result of the Russians' preparation for this offensive movement against the Austrians, the siege of Cracow, relieved from the north last week, when the forces of Grand Duke Nicholas retired thirty miles to entrenched positions on the east bank of the Nida River (north of the Vistula) has been completely raised.

Passes Held by Russians.

Military circles point out that all the important passages of the Carpathians are again in Russian hands and that those still held by the enemy afford them no advantage.

To-night's statement from the General Staff confirms the reports of the hurried retirement of the Austrians over the Carpathians into Hungary and the disorganization of the Austrian forces. The communication says:

On the 27th there was no important engagement between the lower Vistula and the Pilica rivers. The German attacks were everywhere repulsed. The Germans suffered heavy losses, especially during a vain attack they made to the southeast of Skiernewice.

"Between the Pilica and the upper Vistula the enemy has now adopted the defensive."

Driven Across Nida.

"Our troops stormed the village of Sztynki, which was stubbornly defended by the Austrians. The enemy has definitely evacuated the left bank of the Nida."

"To the south of the upper Vistula, on the front of Opawo-Biecz, the fighting continues to develop to our advantage. From the 15th to the 26th we captured there two hundred, three, and fifteen thousand soldiers and forty mitrailleuses."

"The enemy's retreat in the region of the Duka passed and on the road to Liskowka becoming more and more precipitate and disorganized. On the 26th we captured in this region as many as five thousand prisoners."

"The efforts of the enemy to transport his forces from the direction of Czenstochowa toward the Carpathians was a complete failure, owing to our maneuvers."

Retreats Fifty Miles.

The discovery of an attempt by the Austrians to divide the Russian forces in Galicia caused the Russian Galician army, which had been in contact on the south with the Austrian garrison defending Cracow, to move back to the Biala, which is some fifty miles east of the former position of the Czar's forces.

Notwithstanding the fact that the Russian retrogression completely relieved the investment of the fortress of Cracow, it is claimed by military observers to be a marked advantage for the Russian forces, from the direction of Czenstochowa toward the Carpathians was a complete failure, owing to our maneuvers.

The premature appearance of General Boehm-Ermolli's army to the south of Przemyśl, however, put the Russians on their guard, and the Grand Duke's forces concentrated along the Biala River, moved down and attacked the Austrians at Tuchow, fifteen miles south of Tarnow, where they were successful in preventing a junction of the Austrian armies.

Take Offensive on Biala.

Meanwhile, the attention of the Russians was directed to the Austrians advancing from Sanok, a movement which was checked. After their success in the district the Russians took the offensive along the Biala.

Christmas Day the Russians won the battle of Tuchow, the Austrians retreating throughout the following day. The Russians captured 3,500 prisoners and six machine guns.

Later the Russians crossed to the western bank of the Biala and successfully stormed the heights of Siedliska, four miles south of Tuchow. It was here that the Russians took possession of the twenty-mile strip of territory.

Women Organize to Spread
"Twilight Sleep" Knowledge.

See Woman's Page To-day.

If It's Advertised in
The Tribune
It's Guaranteed.

See Editorial Page, First Column.